

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JUNE 2, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:05 p.m.  
Councilmember Tam led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Mayor Johnson announced that the Resolution Opposing Fiscally Irresponsible State Takeaways [paragraph no. 09-219] was removed from the Consent Calendar for discussion.

Vice Mayor deHaan moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*09-216) Minutes of the Regular City Council Meeting Held on May 19, 2009. Approved.

(\*09-217) Ratified bills in the amount of \$2,031,476.84.

(\*09-218) Recommendation to Accept Phase II Infrastructure Improvements to the Intersection of Ralph Appezzato Memorial Parkway/Webster Street and Intersection Improvements at Mariner Square Drive/Constitution Way and Authorize the City Clerk to Record a Notice of Completion for the Improvements. Accepted.

(\*09-219) Resolution No. 14338, "Opposing Fiscally Irresponsible State Takeaways of Local Revenues." Adopted.

Councilmember Gilmore requested a briefing on the matter; stated the public needs to know what the State's budget is doing to the

City.

The Interim City Manager stated the proposed resolution states that cities would experience financial hardships if the State proceeds with borrowing any money from local government; the proposed resolution expresses solidarity in opposing the State wanting to balance its budget and float more cash by borrowing from cities; the City has worked very hard and has made some difficult decisions to balance the budget; the City would lose \$2.4 million in Fiscal Year 2009-2010; the City experienced a 10% reduction in force; one way to deal with the \$2.4 million loss is to use cash reserves in the Equipment Replacement fund with the hope that the State would pay the money back in thirty-six months; the City would need to make changes if the State chooses to increase the amount.

The Deputy City Manager stated the Governor had a briefing today with the Legislature; the State budget deficit is up to approximately \$24 billion; the State is cutting \$3.1 billion for the current Fiscal Year and is proposing to cut approximately \$20.845 billion for Fiscal Year 2009-2010; the loan would be a one-time take for Fiscal Year 2009-2010; nothing has been programmed in for Fiscal Year 2010-2011; under Proposition 1A, the State is required to pay back the loan with interest within three years; cuts are being proposed for Health and Welfare programs, In-Home Supportive Services, K-12 education, community colleges, and the U.C. system; prisoners may be released early if they are within six months to a year of the release date; approximately 5,000 State workers will be laid off; that she and Councilmembers Gilmore and Tam will be going to Sacramento tomorrow to plead the City's case.

Vice Mayor deHaan requested an explanation of Proposition 1A.

The Deputy City Manager stated Proposition 1A was passed by State voters in 2004 and allows the State to borrow from cities, counties, and special districts twice within a ten-year period; the State needs to pay back the first borrowing with interest before borrowing the second time; the first borrowing was paid back early in order to have an opportunity to borrow again; there is some debate about whether redevelopment funds can be included; the California Redevelopment Association is in the process of fighting a legal battle with the State over the matter; the California Redevelopment Association won the first round and the State is appealing.

Speaker: David Howard, Alameda.

Councilmember Gilmore moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*09-220) Ordinance No. 2995, "Amending the Alameda Municipal Code by Adding Section 30-60 (Bay-Friendly Landscaping Requirements for New City Landscaping Projects, City Renovation Projects, and Public-Private Partnership Projects) to Article IV (Water: Conservation Landscaping) of Chapter XXX (Development Regulations)." Finally passed.

(\*09-221) Public Hearing to Consider Resolution No. 14339, "Confirming the Business Improvement Area Report for Fiscal Year 2009-2010 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for Fiscal Year 2009-2010." Adopted.

#### CITY MANAGER COMMUNICATIONS

(\*09-222) Presentation by Fiscal Sustainability Committee.

The City Treasurer gave a Power Point introduced the Committee Members and gave a Power Point presentation.

Councilmember Tam inquired what were the housing unit assumptions when the property transfer tax projections to the year 2020 were reviewed; stated several Alameda properties are in the redevelopment stage.

The City Treasurer responded the Committee did not include any proposed developments; stated the Committee addressed what is known now.

Councilmember Tam inquired whether the Francis Collins and Northern Waterfront projects were not included.

Steve Sorenson, Committee Member, responded specific developments were not included; stated the Committee reviewed how the market was doing as far as value and decline in transactions during the last eight months; the Committee was a little more conservative than the original numbers; the recent actual numbers bumped the numbers up a little bit.

Councilmember Tam inquired whether the Committee is relying on the churn of existing home inventory.

Mr. Sorensen responded there is nothing else to count on; stated the former Naval Air Station was treated fiscally neutral.

The City Treasurer stated numbers can be updated; the Committee used third quarter numbers.

Mayor Johnson inquired whether new numbers can be plugged into the model, to which Lorre Zuppan, Committee Member, responded in the affirmative.

Mayor Johnson stated having a model that can be updated as situations change is great.

The City Treasurer continued the presentation.

Mayor Johnson inquired whether the Other Post Employment Benefits (OPEB) liability includes current employees who are vested or all current employees, to which the City Treasurer responded all current employees and retirees.

The City Treasurer continued the presentation.

Vice Mayor deHaan inquired what is the private sector burn rate.

The City Treasurer responded the Committee did not get into comparisons; stated that he assumes private sector costs are lower.

Vice Mayor deHaan stated the private sector has lessened the burden because different retirement systems have been adopted over the last ten to fifteen years.

The City Treasurer continued the presentation.

Mayor Johnson inquired whether the State is pre-funding its OPEB liability.

The City Treasurer responded the State's OPEB liability is over \$1 billion and is not pre-funded.

Mayor Johnson stated the OPEB liability adds another layer of problems onto the State's budget.

The City Treasurer stated Medicare is the biggest under funded medical program.

Mayor Johnson stated the federal government can adjust Medicare benefits; the State will not have the option of adjusting benefits to meet revenues.

The City Treasurer continued with the presentation.

Mayor Johnson requested clarification of the cash reserve amount.

The Interim City Manager stated \$6.8 million is real, unencumbered net money in the cash reserve.

The City Treasurer continued the presentation.

Councilmember Matarrese inquired whether the cash reserve includes the \$1.1 million that the State Board of Equalization says that the City owes back, to which the Interim City Manager responded in the negative.

The City Treasurer stated the \$1.1 million is reflected in the forecast but is not reflected in the cash balance.

Councilmember Tam stated having a 25% reserve policy becomes less meaningful when the City has a 9% reserve; inquired whether the Committee recommended a reserve level.

The City Treasurer responded the Committee did not poll reserve levels of other cities; stated the Interim City Manager has a wealth of experience in terms of good reserve levels; the City has a stable revenue base; revenues are not fluctuating as much as other cities; the 25% reserve level was determined in the past and can be adjusted; the amount should be particular to Alameda and should be much higher than the current level.

Mayor Johnson stated there needs to be rules on how reserves are counted; a prior City Manager counted a 23%-25% reserve which accumulated through deferred maintenance and ended up costing more money in the end; deferring maintenance is no way to accumulate reserves.

Vice Mayor deHaan stated the City had approximately \$20 million in reserves between 2004 to 2005; reserves have been drawn down.

Mayor Johnson stated deferred maintenance allowed for the accumulation of the \$20 million.

Councilmember Tam stated the \$20 million was not really cash.

Mayor Johnson stated much of the \$20 million was a fake reserve; that she wants to have a real reserve, even if smaller.

The City Treasurer continued with the presentation.

In response to Vice Mayor deHaan's inquiry about vehicles, Ms. Zuppan, Committee Member, stated 173 vehicles and equipment are

scheduled for replacement.

The City Treasurer continued with the presentation.

Councilmember Tam inquired whether the retrofit and maintenance required by the Americans with Disabilities Act plan was included, to which the City Treasurer and Ms. Zuppan responded in the affirmative.

Mayor Johnson inquired whether computers are included, to which the City Treasurer responded computers are included in the Internal Service Fund.

The City Treasurer continued the presentation.

Mayor Johnson inquired what is the current amount of needed street and sidewalk maintenance.

The Public Works Director responded the City's Pavement Management Index (PMI) is approximately 65; ideally, the Metropolitan Transportation Commission wants a PMI of 70 or above; it would take \$6 million per year for the next ten years to reach 70.

Mayor Johnson inquired how much it would cost to remain at the current level, to which the Public Works Director responded \$3 million per year.

Vice Mayor deHaan inquired how much is currently being spent, to which the Public Works Director responded \$2 million, including ARRA funds.

The City Treasurer continued the presentation.

Mayor Johnson stated that she appreciates all the work done; the Council put the Committee together because of concerns about where the City is going; Council knew that business could not continue as usual; the Committee has exceeded expectations; that she looks forward to community outreach and hopes that the public participates; balance is needed in implementing choices.

The City Treasurer stated the Committee endeavored to make the report simple and understandable; the first step is to identify the issues.

Vice Mayor deHaan stated that he and Councilmember Matarrese had the opportunity to review the model; thanked the Committee; stated the forecast is an important step and should have been presented five years ago; 45% of City employees could be eligible for

retirement; even if retirement benefits were changed today, it would still take twenty years to cover people under the current plan.

The City Treasurer stated that all options need to be investigated.

Councilmember Gilmore thanked the Committee for all the hard work; stated the Committee presented the City with a tool to educate the public and identify and grapple with the problem; that she spoke with an Oakland Councilmember who has no idea of their OPEB liability; identifying the problem is the first step; the City did not get into the problem overnight and will not get out overnight; the City needs to come up with a coherent, long range plan and have milestones along the way; everyone should have input; the community needs to make choices and trade offs.

The City Treasurer stated discussions need to involve what residents want and what the City can afford.

Mayor Johnson stated the City has not been living within its means for decades because of non-payment of OPEB and deferred maintenance; choices need to be made now.

Councilmember Gilmore stated the City has a structural deficit; if changes are not made, the structural deficit will still exist when the economy turns around; permanent changes need to be made; the State is a perfect example of a structural deficit.

The City Treasurer stated sales tax revenue would go up when the economy improves, but people will get pay raises because inflation will be higher; expenses will go up; a change in the economy will make very little difference.

Mayor Johnson stated people advocate different departments; people need to think about the situation as a whole and not just protect one service.

The City Treasurer stated the public needs to think about the magnitude of cuts.

Councilmember Matarrese stated that he is impressed with the Committee's expertise; thanked the Committee for finishing the task; stated having a tool for running different scenarios is very important; the choices are to make cuts or raise revenue; the City needs to change structurally; the Committee took the necessary time to deliver the product; it is important to take the next step; he hopes that people attend the public forums.

The City Treasurer stated the report is a dynamic document; revisions will continually be made.

Councilmember Matarrese stated tonight's report is the first edition.

The City Treasurer stated currently, the City has accurate information which will change within six months; the current version is available on the website.

Councilmember Tam thanked the Committee for sharing their expertise; stated discussions will have broader public policy implications on land use; the public needs to understand that the City cannot be a no growth City; costs still increase even if staff is not added; Alameda was the only city in the County that lost 10% of its population since 1997; the City is looking at ways to redevelop and stimulate the economy; community input is necessary in order not to be stuck in a zero sum paradigm.

The City Treasurer stated hopefully people will understand the situation better and make smart decisions.

Mayor Johnson presented certificates to the Committee members.

#### REGULAR AGENDA ITEMS

(09-223) Public Hearing to Consider Collection of Delinquent Business License Fees Via the Property Tax Bills.

The Interim Finance Director gave a brief presentation.

Mayor Johnson stated the number of delinquent fees seem to be getting smaller every year.

Councilmember Matarrese moved approval of the staff recommendation.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

(09-224) Recommendation to Authorize the Interim City Manager to Submit an Application for Energy Efficiency and Conservation Block Grant Funds.

The Deputy City Manager gave a brief presentation.

The Facilities and Maintenance Manager stated the City secured a silver LEED rating for the Library; the original Library design was to achieve basic certification; eighty-seven percent of projects



registered with the Green Building Council never complete certification; a plaque ceremony will take place in September; that he invoiced StopWaste.org for \$75,000 for the silver certification grant.

Councilmember Gilmore stated the City secured a silver rating because the Facilities and Maintenance Manager spent his own time and energy pursuing the matter.

Vice Mayor deHaan inquired whether the City would receive any credit for solar panels, to which the Facilities and Maintenance Manager responded in the negative.

The Deputy City Manager stated the Library is the first public LEED building in the City.

Mayor Johnson inquired whether there is a cost saving calculation.

The Facilities and Maintenance Manager responded the solar panel cost savings is \$12,000 per year.

Mayor Johnson stated StopWaste.org and the Association of Bay Area Governments (ABAG) are looking to pool money to receive a larger grant; working with the organizations through in-kind services would be good.

Councilmember Matarrese inquired whether the Webster Street SMART Corridor Project is being coordinated with Oakland.

The Public Works Director responded the Oakland signal coordination is part of the project, which will also tie into 511.org.

Councilmember Matarrese inquired whether StopWaste.org's leverage money would come back to the City as cash or redundant services, to which the Deputy City Manager responded the matter is to be determined.

Councilmember Matarrese stated the City should offer in-kind services rather than cash.

Councilmember Tam stated East Bay Municipal Utility District (EBMUD) offers residential water audits; right now the focus has been on multi-family housing because master meters cannot induce specific, individual conservation; claiming in-kind services that EBMUD already provides would be appropriate.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Tam seconded the motion, which carried by unanimous voice vote - 5.

(09-225) Introduction of Ordinance Approving and Authorizing the Sale of the Remnant Parcel at the Northeast Corner of the Intersection of Ron Cowan Parkway and Harbor Bay Parkway and Authorize the Interim City Manager to Execute All Necessary Documents. Introduced.

The Public Works Director gave a brief presentation.

Councilmember Matarrese stated that he would prefer putting the \$250,000 [from the sale] into the Open Space Fund similar to the sale of the other parcel at the end of Maitland Avenue; the land is open space and Alameda Beltline litigation is still pending; that he is adverse to sale proceeds going into operational issues.

Mayor Johnson stated that she prefers to put proceeds in the Open Space Fund.

The Interim City Manager stated depositing the funds in the Facility Maintenance Fund and Internal Service Fund was just a suggestion; that she did not want the money to be budgeted as a one-time revenue in the General Fund; inquired whether Council would like to develop a policy regarding sale of land.

Mayor Johnson responded in the affirmative; stated especially if the land is undeveloped; inquired whether the process is similar to the sale at another Harbor Bay Parkway area.

The Public Works Director responded in the affirmative; stated the Development Services Department handled the Gun Club property.

Vice Mayor deHaan inquired how the City obtained the property.

The Public Works Director responded the property was originally purchased from the Port of Oakland.

Mayor Johnson inquired whether said property used to have golf holes.

The Public Works Director responded the property was used for organic waste.

Vice Mayor deHaan inquired what is the Port of Oakland planned use for the land.

The Public Works Director responded the land would be used to

construct a runway safety area.

Vice Mayor deHaan inquired whether the City contemplated a use for the land.

The Public Works Director responded in the negative; stated seventy-five percent of the land is restricted by the Federal Aviation Administration (FAA).

Vice Mayor deHaan inquired whether a Park n' Ride has ever been considered for the area.

The Public Works Director responded only twenty-five percent could be used for a Park n' Ride lot; the facility could not be lighted because of the proximity to the airport; headlights could not be used; the Port of Oakland was very dubious that the FAA would approve the use of a Park n' Ride lot, especially since the area would be needed for a safety landing zone; the Port of Oakland is only interested in purchasing the entire parcel; the usable area is on the lower portion; access would need to be via the Ron Cowan Parkway and would be difficult.

Vice Mayor deHaan inquired whether alternative sites have been considered for a Park n' Ride.

Mayor Johnson responded the area near the Grand Pavilion is never full.

Vice Mayor deHaan stated past discussions involved joining in with the Business Park.

The Public Works Director stated staff had several meetings and met with the Home Owner Associations regarding participating in the cost for a shuttle and there was no interest.

Vice Mayor deHaan inquired whether Council would receive a final report on the matter; stated the developer made a commitment to start the dialog.

Mayor Johnson stated the developer stated that the matter would be explored.

The Public Works Director responded staff would provide a report; stated AC Transit cuts may include reductions at Harbor Bay.

Mayor Johnson stated the ferry terminal parking lot is less full than two years ago.

Councilmember Tam inquired what the City paid for the property.

The Public Works Coordinator responded that she did not know; stated the land was purchased in the 1950's as part of a land swap when Harbor Bay was first being filled.

Councilmember Tam stated that she would not want to be forced into a sale when market conditions are poor.

The Public Works Coordinator stated the land is approximately \$10 per square foot and is comparable to remnant parcels that the City has been selling for the last three or four years.

Councilmember Matarrese moved introduction of the ordinance with direction that proceeds be allocated to the Open Space Fund for purposes of purchasing open space in the future.

Councilmember Tam seconded the motion.

Under discussion, Vice Mayor deHaan inquired whether the land would be used for open space.

The Public Works Director responded a roadway would be moved to the parameter and the rest of the area would provide the needed safety area.

Vice Mayor deHaan stated previous discussions addressed more activity on the Ron Cowan Parkway side.

The Public Works Director stated the City is allowing the Port of Oakland to keep the northwest corner driveway open for a year in order to re-grade the area; then the driveway would be closed; reopening the driveway would require a traffic study.

On the call for the question, the motion carried by unanimous voice vote - 5.

(09-226) Introduction of Ordinance Amending the Alameda Municipal Code by Deleting Chapter XX (Flood Damage Prevention) and Adding a New Chapter XX (Flood Plain Management) to Meet the Requirements of the Federal Emergency Management Agency (FEMA) Flood Insurance Program and Approve Updated Flood Insurance Rate Maps. Introduced.

The Public Works Director gave a brief presentation.

Mayor Johnson inquired whether the area could be changed, to which the Public Works Director responded that he would not anticipate any changes.

The Public Works Director reviewed the map at the request of the Mayor.

Mayor Johnson inquired whether homeowners are aware that they are within the floodplain area and are eligible to buy insurance through the federal government.

The Public Works Director responded the issue is disclosed when purchasing a home; homeowners cannot close without evidence of insurance.

Councilmember Tam inquired whether the City has flood insurance since the City owns most of the Golf Course, to which the Public Works Director responded the City is self insured.

Vice Mayor deHaan inquired whether Alameda Point was reviewed.

The Public Works Director responded Alameda Point is not mapped; stated federal properties are not mapped by the Federal Emergency Management Agency (FEMA); the City is required to do a Letter of Map Amendment before development.

Vice Mayor deHaan stated various studies have been performed on the Fleet Industrial Supply Center (FISC) and Alameda Point property; inquired why studies were not included.

The Public Works Director responded map amendments are typically paid for by the developer.

Vice Mayor deHaan stated extensive studies have been performed and there are concerning factors with developing Alameda Point; the FISC property would have the same impact.

The Public Works Director reviewed the FISC map.

Vice Mayor deHaan stated that he was not aware that the FISC property is in a flood zone.

The Assistant City Manager stated the property would need to be mitigated out of the flood zone as part of the development.

The Public Works Director stated the identified areas have been in the floodplain for years.

Vice Mayor deHaan inquired whether plans include remediation of the FISC floodplain area.

The Assistant City Manager responded drainage improvements would take the property out of the floodplain area.

The Public Works Director stated various options include filling in the area and elevating the area above the base flood elevation; building is allowed in the floodway but there are specific construction requirements to ensure that the lowest, finished floor is above the base flood elevation.

Vice Mayor deHaan stated retail could be within the floodplain at the FISC property.

The Assistant City Manager stated linear strips between the warehouses are in the floodplain.

Councilmember Tam moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(09-227) Receive a Report on Sunshine Community Task Force Referral.

The Deputy City Manager gave a brief presentation.

Councilmember Tam stated that she appreciates staff's efforts in expediently moving forward on the matter; that she did not intend to limit herself to the five issues articulated in the staff report; the community should be engaged in public access discussions; currently, there are practical pressures on staff; that she does not intend to create a burden on staff; suggested involving one of the good government advocacy groups, such as the League of Woman Voters, to help facilitate the dialogue; that her tendency is not to support the staff recommendation and to postpone the formation of a Sunshine Community Task Force toward the beginning of next year so that issues raised by the Fiscal Sustainability Committee and budget situation can be addressed.

Vice Mayor deHaan inquired whether campaign reform discussions would be appropriate at this time; stated most cities have implemented guidelines on limits for individuals, political committees, and in-kind contributions; the matter could be parallel to Santa Ana's Code of Ethics and Conduct.

Councilmember Tam stated Santa Ana's Code of Ethics and Conduct deals with putting ethical principles together and is not geared toward looking at campaign finance reform; Dan Pernell, Executive Director of the Oakland Public Ethics Commission, strongly

recommended starting with a Sunshine Ordinance as a foundation to receive community input on best practices rather than dive into an ordinance without any parameters on what would be expected.

Mayor Johnson stated Council should stick to what is on the agenda; further stated Councilmember Tam's research indicates the preferable approach is to take one step at a time.

Vice Mayor deHaan stated campaign spending limits would be the second phase and should start to be reviewed.

Councilmember Matarrese inquired how much staff time would be needed if the League of Women Voters oversees the matter.

Mayor Johnson stated the City just had a 10% reduction in force; staff needs some breathing room.

The Interim City Manager stated the Fiscal Sustainability Committee did a great deal of work on their own but could not get data and information without City staff; there could be a very small group of five people focused on collecting material available in other cities and doing the staff work of compiling; coming up with suggestions; and doing the leg work; there is an issue if Council appoints the group and they become subject to Brown Act issues, which require a whole lot of paperwork.

Councilmember Matarrese stated that he would like to get an idea of how big or small the issue is and whether the scope could be self driven external information gathering.

Mayor Johnson inquired how Oakland proceeded.

Councilmember Tam responded the Oakland model is not the one she envisions; Oakland went through three years of hearings and had to develop a ballot measure and ordinance because the matter was not just a policy for the City but became part of the City Charter; that she does not find regurgitating State law helpful; public dialogue and input is useful to determine how the project should move forward; that she recognizes the reduction in force; the City has a lot of major priorities because of the State's fiscal crises; the matter could be postponed until the first of the year; advocacy groups could relieve the burden of staff.

Councilmember Matarrese stated that he concurs with Councilmember Tam regarding postponing the matter; costing out what things cost is important.

The Interim City Manager stated man hours need to be quantified;

inquired whether Councilmember Tam is referencing calendar year or fiscal year, to which Councilmember Tam responded calendar year.

The Interim City Manager stated starting in the fall might be a good idea because staff has a critical path up to then.

Councilmember Gilmore stated everyone seems to be in agreement with January; issues not only include man hours but what else gets pushed off in order to satisfy Council requests; having the public involved is imperative; public frustration may not be realized in terms of accessible information; that she received an email regarding the City's financial reports; she suggested obtaining the information from the City's website; the information was difficult to find; obtaining information is not second nature to the public.

Mayor Johnson inquired how Laserfiche works.

The City Clerk responded optical character recognition allows documents to be searchable; stated hand written documents are fuzzy and problematic; noted Council policies would be posted.

Mayor Johnson stated the Alameda Museum has a lot of the City's historic documents; the City should scan the documents so that individuals can have electronic access.

Vice Mayor deHaan stated the scope needs to be understood.

Councilmember Tam stated that she is suggesting not limiting the matter to the five issues outlined in the staff report; the scope deals with public access to government, boards and commissions, and information.

Vice Mayor deHaan inquired whether Councilmember Tam is stating that the scope is much bigger than the five issues outlined in the staff report.

Councilmember Tam responded the Brown Act requirements are what people consider to be the minimum; stated the City does more than the minimum for notifications but does not do more than the minimum for other public access to documents; maybe the public wants more than the minimum.

Mayor Johnson stated that Councilmember Tam's idea of starting in the fall or January is good.

Vice Mayor deHaan stated guidance is needed.

Councilmember Matarrese suggested the matter be brought back on an



agenda at the beginning of the year.

Councilmember Gilmore stated that Councilmember Tam expects the matter to be community driven because the process is to help serve the community; Council will not know the best way to serve the community unless the community is asked.

Vice Mayor deHaan stated the wheel does not need to be reinvented; many other cities have gone through the process and should be used as a benchmark; staff could pull procedures.

Mayor Johnson stated Councilmember Tam is suggesting that the Committee could do a lot of the work.

Councilmember Tam stated that she does not want to presuppose or directly dictate the confines of what the Committee can review.

Councilmember Tam moved looking at assembling the committee toward the fall, but the committee would not actually start work until January 2010.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(09-228) Stephanie Zhoo, Calvin Fong, Romit Humuyai and Afsareh Mortazavi, discussed banning or taxing plastic bags.

Mayor Johnson stated the City would love to ban and tax plastic bags; Oakland banned and taxed plastic bags and lost a lawsuit; now, Oakland has to perform an Environmental Impact Report (EIR) on the impacts of banning plastic bags; the State does not allow cities to tax plastic bags; suggested that the speakers write to the State Legislature; EIR's are very costly; other organizations are looking into doing a model EIR for plastic bags; the City is waiting for the proper time to move forward on the matter.

Councilmember Tam stated the League of California Cities Environmental Quality Committee heard a presentation from various advocacy groups that sponsored legislation; currently, legislation is going through Sacramento to have a Statewide ban.

Mayor Johnson stated Styrofoam containers would still be used if the City waited for the State; lobbyists from the Styrofoam industry came to Alameda and testified on how the City should not ban Styrofoam; the State is more susceptible to influences of large lobbyists; the grassroots approach is the most effective way; the

next thing to worry about is plastic bottles.

#### COUNCIL REFERRALS

None.

#### COUNCIL COMMUNICATIONS

(09-229) Consideration of Mayor's nominations for appointment to the Civil Service Board, Commission on Disability Issues, Historical Advisory Board, Housing and Building Code Hearing and Appeals Board, Planning Board, Public Utilities Board, Social Service Human Relations Board, and Youth Advisory Commission.

Mayor Johnson nominated Avonnet M. Peeler, Civil Service Board; Paulina Kirola, Adrienne Longley-Cook and Jody Moore, Commission on Disability Issues; Donna Talbot, Historical Advisory Board; Ronald Khan, Housing and Building Code Hearing and Appeals Board; Rebecca Kohlstrand Parsons, Planning Board; John McCahan, Public Utilities Board; and Jonathan Soglin and Cynthia Wasko, Social Service Human Relations Board.

(09-230) Councilmember Tam stated that she attended the League of California Cities Executive Forum last week; the League formed a coalition with a number of local government authorities to aggressively campaign against borrowing and takeaways; 150 cities have already passed Fiscal Hardship Resolutions; the session got sidetracked because of an impromptu press conference with the Mayor of San Diego on the SaveYourCity.net campaign; the League of California Cities' Finance Director is very cautiously pessimistic about the State borrowing \$2 billion, which translates to \$2.4 million from Alameda; the In-Home Care Program is being taken away; defunding 80% of the State parks will have ancillary impacts on cities; voter sentiment is one of anger with the State Legislature and elected officials in general; passing a taxing measure will be very hard in the near term; projections offered by the League are slightly different from the Fiscal Sustainability Report; projections are that the economic downturn will bottom out at the end of 2009, but the overall recovery will be very lack luster and not terribly robust; many cities are moving toward a two-tiered pension system, particularly with the 3% at 50 formula; many are considering 2.7% as one way to fund the OPEB unfunded liability; there is some expectation that CalPERS will be requesting additional contributions from cities by the end of 2010; the City's additional contribution could be \$2.3 million.

The Interim City Manager stated CalPERS would send a report in the spring of 2010 addressing what can be recovered in the market

through June 30 of this year; the estimate for the City could increase 3% or 4% above the estimated 2% to 6%.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:32 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -JUNE 2, 2009- -6:30 P.M.

Mayor Johnson convened the Special Meeting at 6:40 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-214) Conference with Legal Counsel - Existing Litigation  
(54956.9); Name of Case: Ottaviano v. City of Alameda.

(09-215) Conference with Legal Counsel - Anticipated Litigation;  
Significant exposure to litigation pursuant to subdivision (b) of  
Section 54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Existing Litigation, Council received a briefing from Legal Counsel and provided litigation direction; regarding Anticipated Litigation, Council received a briefing from Legal Counsel and provided direction.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.